

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  UTILICORP UNITED INC.	DOCKET NO. WRU-99-14-225
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**ORDER REQUIRING REPORT**

(Issued October 28, 1999)

On April 12, 1999, UtiliCorp United Inc. (UtiliCorp) filed with the Utilities Board (Board) an application for waiver of IOWA CODE §§ 476.76 and 476.77 (1999) and IOWA ADMIN. CODE 199-chapter 32 (1999), the reorganization statutes and rules. UtiliCorp plans to merge St. Joseph Light & Power Company, a Missouri gas and electric company with 66,000 customers in northwest Missouri, with and into UtiliCorp. UtiliCorp will be the surviving corporation.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a conditional objection and response on April 20, 1999. Consumer Advocate said it needed to conduct discovery to ascertain whether the application for waiver should be granted. Consumer Advocate asked the Board to hold this matter in abeyance until discovery is completed.

Because discovery was ongoing, the Board issued an order on May 28, 1999, requiring UtiliCorp and Consumer Advocate to file a joint report detailing the status of discovery on or before September 1, 1999. The joint report was filed August 25, 1999. The report stated discovery was complete except for transmittal by UtiliCorp to

Consumer Advocate of UtiliCorp's merger filing with the Missouri Public Service Commission. UtiliCorp said it expected to make this filing in September 1999. Consumer Advocate indicated it would advise the Board of its position in the proceeding after a reasonable opportunity to review the filing.

The Board issued a second order on September 9, 1999. The Board directed UtiliCorp to file copies of its Missouri filing with the Board and required a second report on or before October 22, 1999, if Consumer Advocate had not notified the Board of its position in this proceeding by that date.

UtiliCorp and Consumer Advocate filed a second joint report on October 18, 1999. UtiliCorp said the Missouri filing was delayed and had not been made. The Board will not act on the waiver request until Consumer Advocate and the Board have had an opportunity to review the Missouri filing. If Consumer Advocate has not notified the Board of its position in this proceeding by December 3, 1999, the parties will be required on or before that date to file a third joint report detailing the status of the Missouri filing and Consumer Advocate's review thereof.

**IT IS THEREFORE ORDERED:**

If the Consumer Advocate Division of the Department of Commerce has not notified the Board of its position in this proceeding by December 3, 1999, UtiliCorp

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United Inc. and Consumer Advocate shall file on or before that date a joint report detailing the status of the Missouri filing and Consumer Advocate's review thereof.

**UTILITIES BOARD**

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary, Deputy

/s/ Diane Munns

Dated at Des Moines, Iowa, this 28<sup>th</sup> day of October, 1999.